

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)
)
vs.) Mag. No. 1:15-mj-98
)
JOSE OSORIO GARCIA) JUDGE CARTER

MEMORANDUM AND ORDER

In accordance with Rules 5 and 5.1 of the Federal Rules of Criminal Procedure and in accordance with the Bail Reform Act, 18 United States Code § 3142(f), the initial appearance was held on April 10, 2015. Those present included:

- (1) An Assistant United States Attorney for the Government.
- (2) The defendant.
- (3) Attorney Wilson VonKessler for defendant.

Upon being sworn the defendant was informed or reminded of his/her privilege against self-incrimination accorded him/her under the 5th Amendment to the United States Constitution.

The defendant acknowledged he/she had received a copy of the Criminal Complaint. It was determined defendant was capable of being able to read and understand these proceedings.

The AUSA moved the court for an order detaining the defendant. The defendant waived his detention hearing, reserving the right to ask for a detention hearing at a later date, and requested a time to prepare for his preliminary hearing. The Court set his preliminary hearing for Thursday, April 16, 2015. However, on April 15, 2015, the defendant filed with the Court a Notice of Waiver of Preliminary Hearing (Doc. 17).

Findings

Based on the sworn Affidavit/Complaint and defendant's waiver of preliminary hearing and detention hearing, the undersigned finds:

- (1) There is probable cause to believe that there have been violations of 18 U.S.C. § 922(g)(1), possession of a firearm by a convicted felon; and 21 U.S.C. §§ 846, 841(a)(1) and (b)(1)(A), possession with intent to distribute and conspiracy to distribute 50 grams or more of methamphetamine (actual), committed in the Eastern District of Tennessee.
- (2) There is probable cause to believe the defendant committed the aforesaid offenses.

Conclusions

It is therefore ORDERED:

- (1) The defendant is DETAINED without bail.
- (2) The defendant's next appearance shall be before a U.S. Magistrate Judge at **2:30 pm on Thursday, April 30, 2015.**

ENTER.

S / *William B. Mitchell Carter*
UNITED STATES MAGISTRATE JUDGE